

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:08CR441
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
WILLIE B. HAYNES,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's motion for an extension of time to file an appeal filed through counsel (Filing No. 75).

Federal Rule of Appellate Procedure 4(b)(4) states that the deadline for filing a notice of appeal in a criminal case may be extended “[u]pon a finding of excusable neglect or good cause.” In this case, the reason offered for a 30-day extension from his September 29, 2010, is that the Defendant “desires additional time in order to consider whether he should file a notice of appeal.” The Court finds that the Defendant has not shown excusable neglect or good cause. Nevertheless, in light of the time frame and the Defendant's incarceration and need to consult with his attorney the motion will be granted in part as stated below.

IT IS ORDERED that the Defendant's motion for an extension of time to file an appeal (Filing No. 75) is granted insofar as the Defendant's deadline to file a notice of appeal is extended to October 13, 2010, and otherwise the motion is denied.

DATED this 29th day of September, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge